

VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS
 85 MAIN STREET, COLD SPRING NEW YORK 10516
 PHONE (845) 265-3611
 Public Hearing/ Regular monthly meeting

April 19, 2012

Members: Chairman; Donald Mac Donald, Gregory Gunder, John Martin, Edward Murphy & Richard Turner

Chairman D. Mac Donald opened the meeting at 7:03 P.M. announcing board members and reviewing public hearing policies.

Public Hearings:

1. Stephanie Hawkins, 15 Academy St.

Ms. Stephanie Hawkins presented photos of several views of her existing structure and adjoining neighboring properties. The applicant proposed to take down an existing enclosed porch and construct a bump out. The applicant noted the lot is very shallow; 45feet wide and the depth is less 30 feet and are non-conforming.

The proposed bump out would be the full length of house. A shed roof will be 2 ft. higher than existing. The proposal would require a side yard variance .

Chairman Mac Donald read the following letters in support of the proposal:

- Village of Cold Spring Planning Board referral response dated 4/18/12– noting to grant the variance
- Albert Rzy Risky, 14 Academy St. not dated
- Kim and Mark Patinella, 20 Chestnut St. dated 4/17/12
- Elizabeth and Justin Edelson, 16 Chestnut St. dated 4/8/12
- Steve McCorkle, 5 Cherry St. dated 4/16/12
- First Presbyterian Church of Philipstown 10 Academy St. Robert E. Barton; Chairman buildings and grounds committee 4/17/12

The applicant presented the Board with signatures from neighbors acknowledging they were aware of the proposal. (Paul Mancari added a note by his signature.)

The applicant noted the following:

- The proposal was not undesirable since it was consistent with other construction around the village.
 - Not a detriment to nearby properties since there are no adjacent structures where the proposed extension will be.
 - The proposal will not have a negative effect on the community.
 - If the proposed addition was moved to another part of the property there would be no yard.
- Ms. Hawkins noted that her property is unique since the property is very shallow.

J. Martin suggested having a site visit.

R. Turner expressed concerned over lot coverage.

A site visit was scheduled for Saturday 8:00 A.M.

A continued public hearing was scheduled for Thursday May 3, 2012 at 7:00 P.M. J. Martin noted he is unable to be present.

J. Martin moved to adjourn the public hearing and R. Turner seconded the motion. The public hearing was closed at about 7:37 P.M.

2. Foodtown Serroukas

The public hearing was opened about 7:38 P.M.

Present for the applicant: Richard Olsen; McCabe and Mack, Mr. Serroukas; property owner, James Hickey; Reginal Real estate Representative for the United States Post Office , Michael McCormack; Liscum McCormack Vanvoorhis Architects

Mr. McCormack submitted a revised site plan and described the revised site plan as follows:

- No detrimental impact to the community.
- Loading dock in rear of building will remain the same. One set back along benedict
- Existing parking area reconfigured.
 - Traffic will go in counter clock wise.
 - Three parking spaces added by closing Route 9D.
 - No access on 9D due to traffic studies.
 - Postal trucks will park in the front of the building.
- A traffic study was reviewed by John Collins.
- Planning board recommended a piece of Marion Ave. should be paved so trucks can turn (not yet confirmed).
- A ramp for loading and unloading for the post office.
- The proposed post office will be 15% larger than existing post office.

The proposal will require a variance for 15 parking spaces.

Mr. Hickey - noted the Post Office requires current standards and the current building does not meet the current standards. The proposed building is slightly smaller than required but the engineers noted it will work. There will be no change in the operation . Examples of national standards are restrooms and storage space .

R. Turner noted spaces will be lost due to the new structure . R. Turner asked if the Post Office Operations has approved the project. Mr. Hickey responded they have signed off on it.

Mr. Olsen noted that the proposal will not cause any undesirable changes or detriment to the community for the following reasons:

- Will not generate any additional traffic.

- Was not feasible by any other means.
- Requested variance substantial.
- No changes to neighborhood environmental – The proposed building will be replacing a parking lot.
- It is self-created in order to keep the tenant.

Mr. Hickey noted the following:

- Current leases for post offices are not more than 5 years but could be 10 years with contentions after 5 years. Due to current conditions.
- No new facility projects except those out of necessity such as fire, tornado, and safety issues or in this case no place to operate.

The Board reviewed and discussed a 30 ft. line of site triangle in the back of the building so people can see coming out of Marion Ave.

Mr. Olsen presented the board with the return request receipts.

R. Turner asked Mr. Hickey if the post office has made arrangements for another location. Mr. Hickey responded his predecessor had spoken to the owner of the Butterfield Hospital site about a possible location for the post office. D. Mac Donald noted he spoke to the Mayor and his response was that both sites are viable. The Post Office has not signed anything regarding a space to relocate as suggested by the Putnam County News.

J. Martin asked how many parking spaces will be lost if the proposed building is built. Mr. McCormack responded 14 spaces will be lost. Currently there are 77 spaces existing.

E. Murphy asked where the flag pole will be located. Mr. McCormack noted it will be permanent on the roof and lit from 3 directions.

Mr. Peter Henderson, 11 Marion Ave. – Noted the following:

- 2 ½ years ago the same issues were being discussed. R. Turner answered one change is lot B is no longer an issue.
- Presented a demonstration with cars and road showing possible examples regarding traffic safety.
- You cannot see past the dumpster. D. Mac Donald noted the dumpster is no longer a problem.
- Mr. Henderson requested a traffic study with a full size mock up. R. Turner noted there are stakes in place showing the line of the site triangle.
- A traffic study was done by a man in Vermont who never came to town.
- Mr. Henderson read a letter dated 11/18/09 from Planning Board noting that all variances should be denied. D. Mac Donald noted those comments are not talking about this application
- Noted the response from the attorney regarding the 5 point criteria has strengthened the neighborhood
- The members of the neighborhood will not let anybody disturb their lives. R. Turner asked Mr. Henderson to write a letter addressing the 5 point criteria

Mr. Gordon Robertson, 228 Main St. - Asked about the current condition of the drainage at the Foodtown location and where it discharges and noted that the drains have never been cleaned out. Mr. McCormack noted The Planning Board requested a full drainage study be done and the drainage issues will be addressed in a drainage study which will be done by Mark day. Mr. Robertson also noted that by closing off the entrance on Route 9D which will make the means of egress to one entrance, in his opinion, will cause an undue burden to Mr. Grasso's business.

Ms. Stephanie Hawkins, 15 Academy St. - Asked why the parking was changed. Mr. Olsen and Mr. McCormack responded that the Planning Board consultant from Vermont and John Collins who was hired by the applicant suggested that change after several traffic patterns were studied. R. Turner noted that change has not been adopted.

Mr. Tom Campanile, 8 Benedict Rd. - Represented the Benedict Road and Marion Ave. Neighborhood Association and noted the following:

- There are two irons in the fire regarding building a post office at The Butterfield property and the Foodtown property and asked what happens if the building starts at the Foodtown property which is the current proposal and then an opportunity comes up at the Butterfield location will construction stop and move to Butterfield? The Benedict Road and Marion Ave. Neighborhood Association would love to see the U.S. Post Office go the Butterfield.
- Think the Foodtown lot is over developed. R. Turner responded that the U.S. Post Office is not included in current Butterfield plan.
- Moving traffic off Route 9D is a disaster waiting to happen.
- Would encourage sidewalks on Benedict Rd.
- Building to the property line with no margin for error is not good.
- There are about 20 children on that block that walk to school and are told to walk through yards and avoid Marion Ave. rather than on the side of the road due to delivery trucks.
- The project is a self-proposed hardship because Foodtown was given the lease. R. Turner noted in fairness to Mr. Serroukas that he got Foodtown to come to town with the agreement to take over the space when the U.S. Post Office lease expired.
- There will be more trucks coming to service the larger Foodtown space.

Charles Hustis, Trustee – Noted the following:

- He has seen 18 wheeler trucks unloading while other trucks were waiting to unload.
- There is congestion on Marion Ave. and Benedict Rd.
- Not sold on where R1 truck docking location may be.
- Doesn't know if that will make a change also loading and unloading according to the planning board.
- No one can show any variances.

R. Turner responded that the ZBA was taken off the project at of the time of the fire and the project did not go to zoning during the rebuilding process. R. Turner noted that if it isn't written down it doesn't exist.

Ms. Toni Sweet, 3 Benedict Rd. – Noted that some trucks stay idling while they are parked. Ms. Sweet noted she is concerned about the trucks being blocked in by the building being increased.

Ms. Janis Hogan, President of the Benedict Road and Marion Ave. Neighborhood Association – Noted the following:

- The shopping center extension began in 1971 and noted that nothing stays the same there were no homes behind the building at that time and now there are there are 21 children under age 13.
- Those children are instructed to stay away from Marion Ave. because trucks are lined up on 9D and Marion Ave. which are idling and waiting to unload.
- Tractor trailers cannot turn, some tractor trailers try to turn and drive onto homeowners property in that area or try to make a sharp turn to get onto Wall Street.
- There are no improvements for walkability there are no crosswalks and no sidewalks which is a safety issue for children, adults and older people.
- Ms. Hogan also noted that none of it conforms to Village code because in her opinion Mayor Phillips at the time cut a deal.
- More construction is proposed in this small section of town (Butterfield, Dunkin Donuts and the U.S. Post Office).
- The whole corner of the drug world parking lot is a mess.
- This proposal is a good opportunity to create the Cold Spring they want to live in. She appreciates and loves the way this village is and does not want to see it messed up.
- Some changes she would like to see is to make it possible for trucks to unload properly, put in sidewalks and resolve flooding issues by having proper drainage.
- Written extensively to the Village Board and the Planning Board regarding the proposal and will forward those points to the ZBA.
- Instead of putting in a building it would be more sensible to improve the loading dock. That would allow for more than one truck to unload at a time.
- The Benedict Road and Marion Ave. Neighborhood Association recommend that the post office move to the Butterfield site. The Benedict Road and Marion Ave. Neighborhood Association are solidly against a 3000sq. foot building at Foodtown.

E. Murphy asked Ms. Hogan what happens if the Butterfield Property process takes about five years.

Ms. Hogan responded that the commercial space could be the first phase of the project and hopes the Village government will work to approve it.

Mr. Kevin Gaugler, 7 Benedict Ct. - Noted the following:

- Asked if the parking spots taken by trucks are included in the count of 14 lost spaces provided by the applicant. McCormack responded no. They were not included because the 5 trucks are already parked on the property.
- There is no consideration currently for safety and asked if there is a code or law regarding turning on the road. R. Turner answered no.
- Are we going to stick with a bad plan and see if it might go away in 5 years?
- The site has been given a free pass in the past.
- There are beer trucks trying to unload at the Convenient Mart. Try getting an 18 wheeler to make the turn with a cross walk and a sidewalk. The best way is to get this project off the table and stick to the Butterfield site. D. Mac Donald noted the Butterfield issue is not the discussion

we should be having now. Not sure that grass is going to much greener. R. Turner noted a traffic light should be installed along the Butterfield / Foodtown area.

Mr. Olsen noted that 5 feet will be taken from the side of the road for a sidewalk.

Ms. Marjorie Gage, 13 Grandview Terrace – Noted her concerns as follows:

- That cars leaving the Drug World parking lot leave at all angles and people are coming out of businesses in that plaza, it seems necessary for sidewalks and crossing guard in that area. Sidewalks will make the road narrower.
- Where are trash bins and recycling bins going to be placed? Mr. McCormack that is currently being discussed with the planning board. Eight trash receptacles currently there will stay.
- A barricade will cause more of the road to be taken up.
- The back of the building seems unsightly; there are always kid's skate boarding in the parking lot.
- The big question is the lease of the post office – It is not good to make a permanent change that will also have an impact. Losing the post office will be a problem for the Village.
- Noted she always goes to mail People don't stop at the crosswalk.
- Regarding traffic study assume it was done a Saturday and there were a couple of kids just clicking the number of cars.

Mr. Matt Francesco, Trustee – It's troubling to make a decision between keeping the post office and hopes the Board has the ability to just say no and not worry about Butterfield. Foodtown, post office they all have consequences. It will not get better only worse. And we all say we knew this could happen. We all need to have the stomach to say wait and things will work out. Is making a wrong decision the right way? And noted he was concerned about the precedence of the Landlord over leasing his space. D. Mac Donald asked Mr. Francesco if he agreed that there is a difference as an example between Angelina's and the post office and asked if Mr. Francesco would treat the post office the same as Roberts or Angelina's.

D. Mac Donald asked Mr. Hickey what will happen if the post office is lost. Mr. Matt Francesco noted they make provisions for a sub-station.

Ms. Susan Peehl, 13 Fair St. – Noted the situation is an interesting dilemma. It seems absurd to be talking about different spaces that are isolated from each other. Traffic and shopper patters they will have to be considered at some point.

R. Turner noted the post office does set up one person substations and asked if they could do a substation on Main St.

Ms. Susan Peehl, 13 Fair St. - Noted she would fight to keep the post office in town but would like to see it put at another location. There seems to be a marathon of projects going on now.

Ms. Toni Sweet, 3 Benedict Rd. - Noted that Mr. Tyburski noted there could be a substation if nothing else happens. The post office is a legal obligation.

D. Mac Donald reminded the public that we have to focus on the proposal in front of us.

Mrs. Toni Sweet, 3 Benedict Rd. - Noted we can't discuss other options and noted there is an alternative plan out there and it is being done.

Ms. Janis Hogan, President of the Benedict Road and Marion Ave. - Noted it really comes down to you. You have to look at the plan and say there is another solution. They have looked at the plans and are trying to figure out how to keep the post office. It's okay if people want to say they are bad people because they don't like the plan. It is a bad plan with traffic safety issues. D. Mac Donald asked Ms. Hogan what specific things she was talking about. Ms. Hogan responded her concern is that when the plaza was built loading, parking spaces, drainage and sidewalks do not conform. Nobody wants to deal with the written code. There is only one set of drains and all the water is moving down Marion Ave.

Mr. Kevin Gaugler, 7 Benedict Rd. - Noted if the post office gets rid of Saturday delivery. The postal trucks will be parked on Saturday also. Noted even his son who is six years old understood they should not expand the footprint of the building. If the variances are granted, they better be ready to redesign the entire building.

Mr. Olsen noted that variances were granted for the set-backs and parking after the fire.

Mr. Matt Francesco, Trustee – Asked how many spaces short are they on the site. Mr. Olsen noted 14 spaces short.

Ms. Susan Peehl, 13 Fair St. – Noted she didn't want to see the postal workers lose their jobs if the post office closes.

Mr. John Merante Jr., 117 Healy Rd. – Noted the following:

- Talk of substation is Ludacris. Trucks and mail could be run out of another office.
- Substations are the first things closed when there are cuts and closures.
- Mail could come from Beacon or Newburgh.
- The owner of the property has not considered the village in this whole proposal. A Post office is needed but it must be an acceptable plan. It does not need to be a detriment of the neighborhood.

Mr. Peter Henderson, 11 Marion Ave. - Asked where we go from here. They have been dealing with this for 3 years. This is a lousy plan. What more can we give you? Hopefully the decision will be to turn down the variances.

Mr. Henderson read the criteria and answered the questions he noted

1. that whether the request is substantial he answered that the proposal is an extreme situation of danger Mr. Olsen answered it is already way over built the proposal would put him to 50% permitted 30%
2. Whether the variance will have adverse effects, he answered possible reduction in the values of the homes in the neighborhood

Mr. Olsen noted that the planning board has taken lead agency and there has been no decision yet.

Ms. Toni Sweet, 3 Benedict Rd. – Noted it would be catastrophic without a post office but her concern is with the children. Losing the post office is not as important as the children and the project is not worth one of the kids. Traffic is terrible and it will create more of the same

Mr. Charles Hustis, Trustee - Noted it's like the road runner with trucks. Mr. Hustis noted he tells all truck drivers to back up the way they came in when they go to leave. Mr. Olsen responded that the proposal is currently in the hands of the planning board.

Ms. Susan Peehl, 13 Fair St. - Asked what the criterion was for the Planning Boards' decision regarding the new traffic pattern. Mr. McCormack answered the consultants recommended the change.

Ms. Stephanie Hawkins, 15 Academy St. - asked if they considered building up. Mr. McCormack noted there are lots of issues building up. Mr. Hickey answered to be operational it is not done. The ones that exist are antiquated.

D. Mac Donald recessed the hearing and will notice it when the hearing is continued.

Regular meeting

1. Board business:

Putnam County News bill for 58.10 for public notices for the Keil appeal dated 3/30/12.

2. Minutes:

The minutes of March 15, 2012 were reviewed and approved.

The minutes of March 29, 2012 were reviewed and approved.

3. Decisions:

- Henry and Vera Keil, 73 Main St. - Chairman D. Mac Donald Read the proposed decision J. Martin moved to accept the decision as amended (noting the time limit on the project and noting no members of public had any objection) and E. Murphy seconded the motion. The motion was approved 5-0.
- Henry and Vera Keil, 34 Main St. - Chairman D. Mac Donald read the decision J. Martin moved to accept the decision as amended E. Murphy seconded. It was approved 5-0.

4. Interpretation of the Village Code:

Susan Peehl and Andrew Hall, 13 Fair St. asked for an interpretation of the Village Code regarding the application for construction of a shed at 14 Stone St. Ms. Peehl and Mr. Hall were told to file an appeal and a workshop meeting will be scheduled.

R. Turner moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 10:25 P.M.

Donald Mac Donald, Zoning Board of Appeals Chairman

Date

